

June 22, 2004

Hon. Nancy Gertner
United States District Judge
District of Massachusetts
1 Courthouse Way
Boston, MA 02210

Re: David G. Stern v. David L. Winn
Civil File # 04-10465-NG

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U.S. DISTRICT COURT
DISTRICT OF MASS.

Dear Judge Gertner

On March 8, 2004, I filed a Petition for a Writ of Habeas Corpus pursuant to 28 USC §2241. On March 24, 2004 you entered an Order for Respondent to file an answer or other responsive pleading within sixty (60) days. On May 24, 2004, Respondent filed a Motion to Dismiss the Petition, together with a Declaration and Memorandum in Support thereof.

Whereupon, on June 1, 2004, a Motion to Strike the Declaration was filed and on June 7, 2004, Petitioner's Answer to Motion to Dismiss and Memorandum in Support thereof was filed.

By this letter, you are being asked to render a decision as soon as possible regarding Respondent's Motion to Dismiss. Since Petitioner's so called six-month date is September 9, 2004, timeliness becomes an increasingly important issue. It is inconceivable that the Court wishes the issues addressed to be mooted because of the passage of time, which time, Petitioner has taken every effort to shorten, while Respondent has waited until the eleventh hour and it is anticipated that based on the government's actions or rather lack thereof in numerous other cases, will do so in the instant case. (Byrd v. Moore, 252 F. Supp. 2d. 293 (W.D.N.C. 2003) and Greenfield v. Menifee, 02-CIV-8205 (S.D.N.Y.) (Wood, J.)

Thanking you in advance, I remain,

yours very truly

David G. Stern
23799-038
Federal Medical Center-Devens
P.O. Box 879
Ayer, MA 01432

cc: Jeremy Sternberg, AUSA